40.00 L-31-11-1 NUMBER MO. DAY YEAR J R OTHER NUMBER 23 YR. NUMBL 1085-4 75 0374 08 14 75 4 190 2 4/34 8510 1,500 0374-d DEFENDANTS **PLAINTIFFS**

LELAND L. COMPTON and MARY M. COMPTON, husband and wife

SOCIETE EUROSUISSE, S.A., a corporation, and ALLAN H. APPLESTEIN, an individual

CAUSE

Removal under Title 28, U.S.C. #1441. Plaintiff seeks indemnity from removing party in an amount up to \$1,500,000.

ATTORNEYS

James Kincaid 2400 First National Tower Tulsa, Oklahoma 74103

Craig W. Hoster 2400 First National Tower Tulsa, Oklahoma 74103 586-5685 Donald E. Hammer David H. Sanders, A. 205 Denver Building Tulsa, Oklahoma 74119

Jeffrey Allen Tew (Applestein) TEW, MASON, SPITTLER & GRAVES Suite 1970, One Biscayne Tower 2 South Biscayne Blvd.
Miami, Florida 33131 (305) 358-0209

CHECK		FILING FEES PAID		STA	TISTICAL CARDS
L HERE	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MALLED
IF CASE WAS				JS-5	9-1-75
FILED IN FORMA				-	413
PAUPERIS				JS-6 _	1-1-11
				_	
UNITED STATES	DISTRICT COURT DOCK	t I			DC-111 (Rev. 1/7應

DATE	NR.	PROCEEDINGS
8-14-75	1.	Petition for Removal, filed. lm
8-14-75	2.,	Bond on Removal, filed. lm
8-14-75	3.	Notice of Removal, filed. lm
8-14-75	4.	Proof of Service, filed. lm
8-19-75	5	Certificate, filed, of Clerk of Dist. Court of Tulsa, OK, of receipt of copy of pet. for removal.k
8-21-75	6.	Defts' Motion to Dismiss w/Motion for More Definite Statement, filed.
8-21-75	7.	Brief in support of motion to dismiss w/ motion for more definite statement, filed, w/Leave Granted to file out of time on 8-21-75, (HDC-J)lm
8-21-75	ξ.	It is ordered by the Court that pltfs. are given ten days from this date to file a responsive brief to defts' Motion to Dismiss w/Motion for More Definite Statement (HDC=J)lm ltr mld.
8-22-7 8-22-7		
in the second se	1	• Application for Extension of Time of the Plaintiffs, filed. mm (0 to
9-2-75	11	Order granting plaintiff's til 9-15-75 to file a response to deft's motion for more definite statement and to plead or answer, filed. (HDC-JO cps mld mm
9-16-75	12	Brief of pltf. in opposi t ion to defs. mo/dismiss and mo/more definite statement, filed. rm
10-24-75 12-12 <u>1976</u>	13 14	
1-5	15 (
1-6	16	ing, filed. g Order granting deft. Applestein until 1-25-76 to file responsive pleading, filed. (HDC-J)g cpies md
1-26	17	Ans. of Allan H. Applestein, filed.t
6-8 8-3	MO:	Case set for PT hearing 8-17-76 at 1:00 p.m. (HDC-J)hm Pltf's notice to take deposition upon oral examination of deft. Allan H. Applestein, filed. ph
8-11 8-11 8-11	E .	Brief in support, fld. v
8-17	21	1
10-1 10-1	1	, cps mix

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(COOK CIVIL DOCKET CONTINUATION SHEET				
	PLAINTIFF			DEFENDANT	
	LELAND L. COMPTON, et al		MPTON, et al	SOCIETE EUROSUISSE, S.A., et a	DOCKET NO. 75-C-374 PAGE 3 OF 2 PAGES
	DATE	NR.		PROCEEDINGS	
	1976				
	10-15	24.	Pltfs' motion for c	ontinuance of trial scheduled for	or 11-1-76, filed.
	10-18	25.	Appl. of def. Apples and exhibits, filed	stein to ext. time to submit bri . rm	ef & new witnesses
	10-21	26.	from docket of 11/1 shall complete disc	pltf. mo/cont. of trial is grand/76 and reset for trial for 11/1 overy; trial briefs to be filed .(HDC-J)rm-copies mailed	15/76. Def. counse
	10-21	27.	Notice by def. of t	aking depositions of pltfs., C. a on 10/26/76, filed. rm	W. Lee and C.
	10-21	28.	Notice by def. of t in Florida on 10/29	aking depositions of Preve, Kat /76, filed. rm	zen and Bodden
	10-21	29,	Order, filed, overs protective order; f himself for the tak on 10-26-76 at 2400	ruling deft. Allen H. Applestein further ordered that deft. Apple king of his deposition in Tulsa, D First National Tower, Tulsa, O E expense of travel to Tulsa for	stein submit OK, at 10:00 a.m. K, w/deft. Apple-
	10-22	30.		sition upon oral examination of	deft. Allan H.
	10-26	31.	Motion of deft. All 10-21-76, directing	an H. Applestein, to vacate order him to appear in Tulsa, OK, on of depositions by pltfs. and br	10-26-76, and to
	10-26	мо:	Case set for hrg. or	n def. Applestein's mo/vacate or , at 12:50 p.m.(HDC-J)rm-parties	der of 10/21/76
	10-26	32.	Pltfs' mo/default ju	idgment for failure of deft. App with order, filed. hm	lestein to give
	10-26	33.	Pltfs' brief in supp	port of above motion, filed. hm	
	10-26		deft. Applestein to motion to vacate ord findings, denies def mo/request suspensiounless deft. appears viously ordered by tanswer and enter def	ring on pltfs' mo/default judgme give depos. & comply- with ordeler entered on 10-21. Statements t's mo/vacate order entered 10-on of ruling on pltfs' motion. Confortaking of depos. in Tulsa, the Court on or before 11-1-76, sault judgment on behalf of pltf is suspended, to be continued on	r; and deft's made. Court makes 21 & denies deft's ourt rules that Okla. as pre- Court will strike . & against deft.
	10-26		Tender of deft. Alla	n H. Applestein, for taking of to take depos. in Miami, Fla.	deposition & motion
	10-27	35.	Notice of taking de	positions upon oral examination	of Frank Preve,
	10-27	36.		Luba Bodden, filed. by deft. A an H. Applestein for taking of a ph	
	10-27	MO:		nbers re taking of Applestein's rules that order entered 10-26 f	

	CONTIN	IUATION SHEET		-		
PLAINTIFF			DEFENDANT	DOCKET NO		
LELA	ND L.	COMPTON, et al	SOCIETE EUROSUISSE, et al	PAGE 4 OF 2 PAGES		
1976	NR.	PROCEEDINGS				
		to appear in Tulsa; Pltf's motion to re 10-29 is denied. (H	, Okla. on 11-1-76 for taking of equire pltfs. to take depos. in HDC-J)hm	depos. stands. Miami, Fla., on		
11-3	37.		ce of revocation of taking depositions upon oral exam. of k Preve, Jerry B. Katzen and Luba Bodden, filed. ph			
11-3	38.	Notice of taking de	epositions upon oral exam. of Ji OK, filed. ph	mmy D. Ross on		
11-3		1	led: Served C. Burnett Dunn on 1	1-2-76 at Tulsa,		
11-5	39.	_	nforce compliance with subpoena	for production of		
11-5	40.		pport of motion to enforce compl	iance w/subpoena for		
11-5	41.	1 -	it. exhibits and witnesses of de	ft. Applestein,		
11-5 11-8	42.	Requested F/F and O Deposition of Alla	C/L of deft. Allan H. Applestein n H. Applestein, taken on 10-29- by pltfs.)ph (P.M. Potts-CSR)	· -		
11-8	MO:	Case referred to Ma compliance w/subpod this date. (HDC-J)l	ag. Bradford for hearing on pltf ena for prod. of documents; hear nm	's mo/enforce ing set at 2:00 p.m.		
11-8	MO:	to enforce compliant in part/sustained	e Mag. Bradford. It is recommen nce w/subpoena for prod. of docu in part. Requested corresp. to b n camera inspection before Judge	ments be overruled e submitted on or		
11-9	43.	Findings and recom	nendations of Magistrate, filed.	(MAG-Nàg.)hm Otg		
11-9		Deposition of Jimmy (\$34.50 pd by defts	Douglas Ross, filed. (S.J. Bumg	ardner-CSR) ph		
11-10	44.	Pltfs' applic. for names of addit. wit	ext. of time to submit list of a nesses & trial brief, filed. hm	additional exhibits,		
11-12	45.	for production of	pltfs' Motion to enforce complidocuments until the Court has matclient privilege. (HDC-J)ph cpy	de a determination		
11-12	46.	req. in Subpoena to inspected by pltf. witnesses and to fattys.	Order, filed, that pltfs. are granted until 24 hours after documents req. in Subpoena to Produce Documents served 11-2-76 have been inspected by pltf. to submit addit. exhibits and names of addit. witnesses and to file their trial brief. (HDC-J)ph cps picked up by attys.			
11-12	47.	Trial brief of plt:				
11-12	MO:	recommended that mo	Hearing held before Mag. Bradford on mo/produce documents. It is recommended that motion is sustained in part/overruled in part. Pltf. counsel to prepare F&R & order by 11-15. (MLB-Mag)hm			
11-15	48.	Deft's objections t	Deft's objections to Magistrate's Findings made on 11-12-76, w/brieffiled. hm			
11-15	MO:	Case continued & pa	trial. Parties represented & a arties to be notified when case ollowing the rest of the docket.	will be ready for		

PLAINTIFF	DEFENDANT	DOCKET NO
LELAND L. COMPTON, et al	SOCIETE EUROSUISSE, et al	PAGE 5 OF 3 PAGES

LELAND	L. C	OMPTON, et al SOCIETE EUROSUISSE, et al PAGE 5 OF 3 PAGES			
DATE	NR.	PROCEEDINGS			
1976	407				
11-15 11-15	48A. 49.	Findings and Recommendations of Mag., filed, that obj. by Coffeyvill			
		Packing Co. , H & R Meat Co. and Cons. Meat Int. to deliverying			
		any documents to pltfs' atty is overruled with exception to those			
		which fall into the category of atty-client privilege. (MLB-Mag.)ph cps mld			
11-15		Deposition of Leland L. Compton, taken on 11-1-76 at Tulsa, OK,			
		filed. (MB-LSR) ph			
11-16	50.	Order, filed, adopting findings of the Magistrate and overruling			
		bjection to the findings and recommendations of the Magistrate.			
		(HDC-J)ph cps mld & parties called			
11-17	MO:	Case passed to 11-24-76 at 9:00 a.m. for non-jury trial. (HDC-J)hm			
		(parties notified)			
11-19 11 - 22	MO:	Case reset for N/J trial on 12-17-76 at 9:00 a.m. (HDC-J)ph notices Deposition of C. Wm. Lee, on behalf of defts., filed. (\$142.00)g			
12-15	MO:	Case continued from trial setting of 12-17-76, to be reset by the Court. (HDC-J)hm (parties notified by phone)			
1-6-77	MO:	Case set for non-jury trial 3-7-77 at 9:30 a.m. (HDC-J)hm (notices			
		mailed)			
3-7	М○•	Case tried to the Court. Rule invoked. Opening statements made.			
3-7		Pltf. presents case in chief w/test. of witnesses, introduction of exhibits, and rests. Deft. presents case in chief w/test. of witness, introduction of exhibit, and rests. Parties rest. Pltf. states he does not desire to file any further briefs; deft. given 3 days to submit addit. suggested F/F & C/L. Parties waive closing arguments and Court takes ruling under advisement. (HDC-J)hm Pltfs' list of witnesses, filed in open court. hm			
3-7	52.	Pltfs' list of exhibits, filed in open court. hm			
3-7	53.	Pltfs' collation of exhibits, filed in open court. hm			
3-7		Trial exhibits, filed. (with file)hm			
3-7	54.	Outline of deposition of deft. Applestein, filed in open court. hm			
3-10	55.	Addit. requested F/F of deft. Allan H. Applestein, filed. ph			
6-30	56.	Findings of fact and conclusions of law, filed and entered. (HDC-J)h			
6-30	57.	Judgment, filed and entered, that pltfs. recover from deft. Allan H.			
		Applestein the amt. of \$100,000 actual damages, plus int. on said amt. at rate of 6% per annum from 10-18-74 to this date, plus \$20,000 punitive damages. (HDC-J)hm (copies mailed)			
7 - 8	58.	Notice of appeal by deft. Applestein from judg. of 6/30/77, filed. (copies to counsel and USCAO			
7 - 8	59.	Appl. of deft. Applestein to set supersedeas bond and to permit the escrowing of stocks with Ct. Clerk in lieu of corporate/personal sureties, filed. rm			
Para					

CIVIL DOCKET	CONTIN	IUATION SHEET				
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LELAND L. COMPTON, et al		COMPTON, et al	SOCIETE EUROSUISSE,	S.A., et al	PAGE 6 OF 3 PAGES	
P94 7	NR.	PROCEEDINGS				
7-11	60.	Bill of costs in amt. of \$1,417.25 filed setting cost hearing before JCS on 7-19-77 at 10:00 a.m. ph				
7-11	61.	Pltfss appl. for e	Pltfs appl. for ext. of time for filing a verified Bill of Costs, filed. ph (O to J)			
7-11 7-12	62. MO:	It is ordered by the	lowance of atty's fees ne Court that the defts s' appl. for allowance	s. file a	resp. brief within	
7-13	6 3.	Escrowing of Stock supersedeas bond f	pltfs. to appl. of def s with the Court Clerk rom a proper surety, f	in lieu c	of furnishing a	
7-18	64	applic. for allowance	Pltfs' ten (10) days after of Atty's fees to file a ve osts filed herein. (HDC-J)	erified bill	of costs or amend	
7-18	65	Order for reporter's	s transcript by deft.,	filed. rm	(copy to Tom B.)	
7-20	MO:	permit the escrowing sureties, and for he 2:00 p.m. (HDC-J)hm		eu of corpatty. fees	porate personal s 7-22-77 at	
7-19		Cost hrg. before C1 of pltfs. and again	erk held. Costs taxed st deft. Allan H. Appl	in amt. of estein. (J	S \$685.50 in favor JCS-Clk)rm	
7-22	66	Deft. Applestein's filed.k	brief in response to p	oltfs' app	1. for atty's fees,	
7=22	MO:	Case called for hearing on pltf's applic. for allowance of atty's fees and deft's applic. to set supersedeas bond & to permit the excrowing of stocks w/Court Clerk in lieu of corporate/personal suretice Pltf's applic. for atty. fees held in abeyance pending appeal. Deft's motion is denied as to the allowance of escrowing of stocks w/Ct. Clk but Court sets supersedeas bond in amt. of \$150,000. Posting of bond is stayed until 12:00 noon 7-26-77, when deft. may file applic. for ext. of time or for reconsideration. Parties to file stip. as to value of stocks & pltf. to prepare formal order on hearing. (HDC-J)hm				
7-22	MO:	time to post superse that deft. will not	mbers. Parties represent edeas bond to 8-5-77. (encumber his assets of terim. Pltf. to prepare	Court gran r material	ts motion w/condition. .ly alter his net	
8-1	67.	Order, filed, re he judgment on appeal 8-5-77 to furnish sell any assets un stayed until 8-5-7	earing on 7-22-77: Am is set at \$150,000; d supersedeas bond; deft til bond is approved b7; pltfs' appl. held i ate court. (HDC-J)ph	t. of supe eft. Apple . Appleste y Ct.; exe n abeyance	ersedeas bond to startest in granted untile in ordered not to ecution of judgment pending appeal of	
8-12	68-		Reporter's transcript of proceedings had on 3/7/77, nonjury trial, filed. (T.Bloxom-CR)rm			
8-12		Appeal record (7 vo	ols) transmitted to USC	CA.rm		
8-17	ana 1000	Execution of judgme	ent issued. ph			

CIVIL DOCKET CONTINUATION SHEET DEFENDANT **PLAINTIFF** 75-C-374-C DOCKET NO. LELAND L. COMPTON, et al SOCIETE EUROSUISSE, S.A., et al PAGE 7 __ OF . PAGES **PROCEEDINGS** DATE NR. 1977 Garnishment affidavit, filed. Garnishment summons issued. ph Return of USM service of garnishee summons, fld. Served John L. 8-19 68. 8 - 24Arrington, Jr., Reg. Serv. agent for H. &. R. Meat Co., on 8-22-77 at Tulsa, OK. (USM \$3.00) ra Garnishee H&R Meat Co.'s Answer as to indebtedness to deft. Allan H. 8 - 26Applestein; E.E. Hunsucker deposes that garnishee was indebted to deft. in sum of \$163,333.32 for other than current wages, and that Allan H. Applestein has agreed to forego payment of said fees until after a loan with F&M Bank has been paid off and garnishee is prohibited from paying same under loan agreement dated 6-30-77 with F&M Bank, fld. ra 9 - 169. Pltfs' interrogs. to Garnishee, filed. ph 9-6 Interrogs. ret & filed: Served John L. Arrington, Jr. on 9-6-77 at Tulsa, OK w/Pltfs' interrogs. to Garnishee. (USM \$3.00)ph 9 - 9 70. Garnishee's answers to pltfs. interrogs., filed. rm 9 - 12Letter from 10th Circuit, assigning No. 77-1717. rm 9-15 71. Notice that Pltfs. take issue with Garnishee, fld. v 12-28 Second set of interrogs. propounded by pltfs. to Garnishee, filed. ph 72. 1978 1-16 73. Answers of garnishee to second set of interrog. propounded by pltfs. filed. hm Pltf's applic/citation to disclose assets,fld.ra 11-29 74 11-29 Order, fld, for Allan Applestein to appear and answer to assets before 75 Mag. Robert S. Rizley on 12-8-78 at 10:00 a.m.; further ordered that Allan Applestein not pay out, transfer, mortgage, encumber or make other disposition of any money or property, either real or personal, not exempt by law, until further order of the Court. (HDC-J)ra s/i 11-29 76 Pltf's applic/order to appoint special officer to serve, fld.ra (0) Order, fld, that Patrick J. Fohler is appointed special officer to 11 - 2977 serve Order to Appear and answer as to assets. (HDC-J)ra Ordered that assets hrg. set for 12/8/78 at 10 a.m. is stricken and Allen H. Applestein is ordered to appear on Thurs., 12/7/78 at 10 a.m. 11-30 MO: before Magistrate Rizley.(RSR-Mag)rm-notice by KT 11-30 Return on service of Order to Appear, filed. Served Applestein in Tulsa on 11/30/78. rm (P. J. Fholer-Special agent) 12 - 6MO: By agreement of the parties, assets hrg set 12-7-78 is STRICKEN AND RESET 12-21-78 at 2:00 p.m..(RSR-MAG)ra ltr by k.t. 12-11 Notice of appearance by Jeffrey A. Tew for Allan Applestein, fld.ra Deft. Allan Applestein's memo. of law concerning invocation of fifth 12 - 1180 amendment privilege in a civil proceeding, fld, w/affid. of Jerome S. Richman.ra 12 - 2081 Deft. Applestein's mot/set aside & vacate order forbidding transfer or other disposition of property, and memo of law, fld.ra

Ordered that pltf file a resp. brief on or before 1-2-79 to deft's mot/set aside .(HDC-J)ra cps mld

12-20

MO:

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CIVIL DOCKET CONTINUATION SHEET

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COOK

Pltf's memo of law opposing deft's invocation of fifth amendment privilege, fld.ra 12-21 MO: Case called for assets hrg. Parties represented. Deft. is to file additional brief on 1-17-79; CASE IS SET FOR FURTHER HRG AND ORAL	
privilege, fld.ra 12-21 MO: Case called for assets hrg. Parties represented. Deft. is to file additional brief on 1-17-79; CASE IS SET FOR FURTHER HRG AND ORAL	
additional brief on 1-17-79; CASE IS SET FOR FURTHER HRG AND ORAL	
ARGUMENT ON 2-20-79. (RSR-MAG)ra	4
1-2-79 83 Pltfs' applic/enlargement of time to file resp. brief, fld.ra (0)	
1-15 84 Order, fld, that pltfs have until 1-17-79 to file resp. brief to deft' mot/set aside and vacate order forbidding transfer of property. (RSR-MAG) ra-cps mld	
1/17 85. Brief in opposition to Mot. to set aside and vacate order forbidding a transfer or other disposition of property, filed by Comptons. v	19
2-7 MO: Case set for continuation of assets hrg and hrg on deft's mot/set aside order forbidding transfer on 2-20-79 at 2:00 p.m.(RSR-M)ra nt	: by
2-12 B6 Deft. Allan H. Applestein's additional memo. of law in support of mot/set aside and vacate order forbidding transfer or other disposit	ion
of property, fld.ra 2-12 87 Deft Allan H. Applestein's additional memo. of law on the invocation of the Fifth Amendment, fld.ra	
2-20 MO: Case called for continuation of assets hrg and hrg on motions. Particepresented. Deft's motion to set aside and vacate order forbidding transfer of property SUSTAINED except as to submission of income tax returns for in camera inspection by Court. Deft to prepare Findings & Recommendations and proposed order w/in 1 week following transcrip of record of hrg on motions.(RSR-MAG)ra	
3-9-79 Reporter's transcript of proceedings of 2-20-79 (Continuation of ass hrg & hrg on deft's mot/set aside & vacate order) before Mag. Rizley fld. (Ann Hart-CSR)(33 pages)ra 7-9 IN CAMERA Documents submitted to Mag. (sealed)ho in file.	
7-9 88 F&R of the Mag. Recommends that deft. Applestein's mot/set aside & vacate order prohibiting transfer of property be granted & that the Ct. sustain said deft's privilege under the 5th amend. not to testify re financial condition & assets & not to produce documents called for in 11-29-78 order. (RSR-Mag)k cps mld	
ORDER that deft. Applestein's privilege under the 5th Amend. not to testify re financial condition & assets & not to produce documents called for in 11-29-78 Order is sustained & deft's mot/se aside & vacate said Order is granted. (HDC-J)k cps mld	t
10-29 90. MANDATE & OPINION of 10th Circuit, filed and spread of record, affirming. rm	
10-30 MO: CASE SET for hrg. on pltfs' applic/allowance of atty's fees 12-7-79 at 9:00 a.m. (HDC-J)hm (ntc. mld.)	
12-5 91. APPL. of deft. Applestein for cont. of hrg. on pltf. appl/atty fee.r	:m 🔎
12-5 92. ORDER passing hrg. heretofore set for 12/7/79 to be heard, 1/28/80 a 10:30 a.m. (HDC-J)rm-c/m	t
12-21 APPEAL RECORD (7 vols) received from USCA.rm	THE STATE OF THE S

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LELAND	L. CO	OMPTON, et al SOCIETE EUROSUISSE, S.A., et al PAGEOFPAGES
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1 9 87F	NR.	PROCEEDINGS
1-8	93	SUPPLEMENTAL BRIEF of Defts. in response to Pltfs. appl. for atty. fees. ho
1-24	мо:	ORDERED that hrg. on 1-28 is stricken for the reason that pltf. plan to request the Court to withdraw his applic/award of atty. fees. (HDC-J)hm
1-29	94	APPLICATION of Pltfs. to w/draw their appl. for allowance of atty. fees. ho O to J.
1-20	95	ORDER, Pltfs. appl. to w/draw appl. for allowance of atty. fees is granted. (HDC-J)ho c/m to movant.
5-2		DEPOSITIONS & EXHIBITS returned to counsel. g
6-24		WRIT of execution issued. jc
6-25	96	WRIT of execution. jc
7-8		RETURN on execution unserved as to Allan H. Applestein. jc
12-10-84	97	NOTICE of pltfs to take depo of Allen Applestein on 2-11-85 w/si.a
	and the state of t	
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